

JUL 12 2023

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:19-CV-512-BO

UNITED STATES OF AMERICA, ex rel.,)
ANJELICA BROWN,)

Plaintiff-Relator,)

v.)

MIND PATH CARE CENTERS, NORTH)
CAROLINA, PLLC, JEFF WILLIAMS,)
ABIGAIL SHERIFF, AND SARAH)
WILLIAMS,)

Defendants.)

FILED EX PARTE
UNDER SEAL

**THE UNITED STATES' NOTICE OF ELECTION
TO INTERVENE IN PART AND TO DECLINE TO INTERVENE IN PART**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States (hereafter "Government") notifies the Court of its decision to intervene in part of this action and to decline to intervene in part of this action. The Government intervenes in that part of this action as to Defendants Mind Path Care Centers, North Carolina, PLLC, Jeff Williams, Abigail Sheriff, and Sarah Williams, which alleges false claims to Medicare for billing Psychotherapy Treatment and Evaluation and Management Services between January 1, 2018, and the present (including CPT codes 90833, 99213, 99214 and 99215), and directly related claims. The Government declines to intervene as to claims before January 1, 2018, and Government entities Defense Health Agency of the Department of Defense and the

Department of Veterans Affairs, and in those parts of this action not described above. The Government intends to serve this notice upon Defendants, and file and serve an amended complaint within 90 days as provided in 31 U.S.C. § 3730(c) and Fed. R. Civ. P. 4 and 15 (hereinafter "Complaint in Intervention"). Directly related claims may be added.

Although the Government declines to intervene in a portion of the action, it respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the Relator to maintain the declined portion of the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." Id. Therefore, the Government requests that, should either the Relator or the Defendants propose that the part of the action in which the Government has not intervened be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the Government requests that all pleadings filed in this action, even as to the non-intervened part of this action, be served upon the Government; the Government also requests that all orders issued by the Court be sent to the Government's counsel. The Government reserves their right to order any deposition transcripts and to intervene in the portion of this action in which it is declining to intervene today, for good cause, at a later date.

The Government reserves the right to seek the dismissal of the

Relator's action or claim on any appropriate grounds, including under 31 U.S.C. §§ 3730(b)(5) and (e)(4).

Finally, the Government requests that the Relator's complaint, motions for extension (but not supporting memoranda), orders allowing extensions, motion to partially lift seal (but not memoranda), order partially lifting seal, this Government's notice of election to intervene in part and to decline to intervene in part, and the associated order be unsealed. The Government requests that all memoranda and other papers on file in this action remain under seal because in discussing the content and extent of the Government's investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted, this 12th day of July, 2023.

MICHAEL F. EASLEY, JR.
United States Attorney

BY: 
/s/ NEAL I. FOWLER
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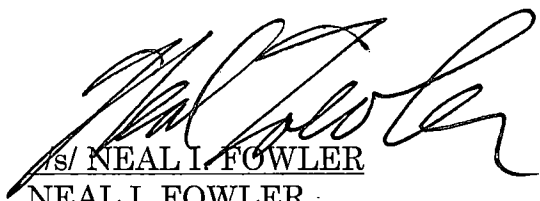
CERTIFICATE OF SERVICE AND NO SERVICE

I hereby certify that on the 12th day of July, 2023, a true and correct copy of the foregoing Notice and proposed order was not served upon counsel for Defendants, as this qui tam is presently under seal based upon the False Claims Act, 31 U.S.C. § 3730(b)(3). The Notice and proposed order was served on Relator's counsel.

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BY:


/s/ NEAL I. FOWLER

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